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NOTIFICATION.

OOTACAMUND, THE 7TH AUGUST 1920.

No. 155.—The following *Gazette of India* Extraordinary is republished :—

RULES FOR THE ELECTION AND NOMINATION OF MEMBERS TO THE COUNCIL OF STATE, FOR THE QUALIFICATION OF ELECTORS AND MEMBERS, THE CONSTITUTION OF CONSTITUENCIES AND THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF ELECTIONS.

GOVERNMENT OF INDIA.

REFORMS OFFICE.

Simla, July 27, 1920.

No. 767-F.—Whereas by section 47 of the Government of India Act, 1919, it is provided that the said Act shall come into operation on such date or dates as the Governor-General in Council with the approval of the Secretary of State in Council may appoint;

And whereas the said Act confers powers for the making of rules thereunder for the nomination and election of members of the Council of State; and for matters incidental and consequential thereto;

And whereas it is necessary for the purpose of bringing into operation the provisions of the said Act in respect of such Council on such date as may hereafter be appointed, to make such rules prior to the date on which those provisions will be brought into operation;

And whereas a draft of such rules was laid before both Houses of Parliament and was duly approved by them with certain modifications and additions;

Now, therefore, in exercise of the powers conferred by section 37 of the Interpretation Act, 1889, read with the rule-making powers under the said Act, the Governor General in Council with the sanction of the Secretary of State in Council is pleased to make the said rules in the form so approved, the same being as follows:—

Short title and commencement.

1. (1) These rules may be called the Council of State Electoral Rules.

(2) They shall come into force at once.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Government of India Act;

(*b*) "Commissioners" means the Commissioners appointed for the purpose of holding an election inquiry under these rules;

(*c*) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule IV;

(*d*) "election agent" means the person appointed under these rules by a candidate as his agent for an election;

(*e*) "Gazette" means the Gazette of India; and

(*f*) "Schedule" means a Schedule to these rules.

PART I.

Composition of Council of State and Constituencies.

Composition of Council of State

3. The Council of State shall consist of—

(1) thirty-three elected members, and

(2) twenty-seven members nominated by the Governor-General, of whom not more than twenty may be officials, and one shall be a person nominated as the result of an election held in Berar.

Constituencies.

4. The elected members shall be elected by the constituencies specified in Schedule I, subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

PART II.

Qualifications of Elected Members.

General disqualifications for being elected.

5. (1) A person shall not be eligible for election as a member of the Council of State if such person—

(*a*) is not a British subject; or

(*b*) is a female; or

(*c*) is already a member of any legislative body constituted under the Act; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(*e*) has been adjudged by a competent court to be of unsound mind; or

(*f*) is under 25 years of age; or

(*g*) is an undischarged insolvent; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Council of State by any constituency in that province:

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor-General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting, shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor-General in Council in that behalf.

Special qualifications for election in case of certain constituencies.

6. (1) No person shall be eligible for election as a member of the Council of State to represent—

(*a*) a general constituency situated in the United Provinces or in the province of Assam, unless his name is entered on the electoral roll of a general constituency situated within the same province;

(*b*) a general constituency situated in the provinces of Madras, Bombay, Bengal, the Punjab or Bihar and Orissa unless his name is entered on the electoral roll of the constituency or of another constituency situated in the same province and of the same communal description as that by which he desires to be elected;

(*c*) a general constituency situated in the Central Provinces or in the province of Burma unless his name is entered on the electoral roll of the constituency.

(2) No person shall be eligible for election as a member of the Council of State to represent a special constituency unless his name is entered on the electoral roll of the constituency.

(3) For the purposes of these rules—

(1) "special constituency" means a European Commerce constituency;

(2) "general constituency" means any constituency specified in Schedule I other than a European Commerce constituency.

PART III.

THE ELECTORAL ROLL.

General conditions of registration and disqualifications.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

(a) is not a British subject ; or
(b) is a female ; or
(c) has been adjudged by a competent court to be of unsound mind ; or
(d) is under 21 years of age :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Council of State in that province :

Provided further that, if a resolution is passed by the Council of State after not less than one month's notice has been given of an intention to move such a resolution, recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor-General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex, if they are not so disqualified for registration as electors for the Legislative Council of their province :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period :

Provided that the Governor-General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll [illegible].

Qualifications of electors.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(i) residence, or residence and community, and
(ii) (a) the holding of land, or
(b) assessment to or payment of income-tax, or
(c) past or present membership of a legislative body, or
(d) past or present tenure of office on a local authority, or
(e) past or present university distinction, or
(f) the tenure of office in a co-operative banking society, or
(g) the holding of a title conferred for literary merit,

as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

Electoral roll.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
(2) the time at which the roll shall be prepared,
(3) the publication of the roll in the constituency to which it relates,
(4) the mode in which and the time within which claims and objections may be preferred,
(5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
(6) the manner in which notices of claims or objections shall be published,
(7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Council of State.

Provided that the Governor-General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of such provinces in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor-General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

Right to vote.

10. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency : provided that no person shall vote in more than one general constituency.

PART IV.

Elections.

Nomination of candidates.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person, who is not disqualified under these rules for the appointment, to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Procedure at election.

12. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidatures before such time as the Governor-General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor-General shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members, as the case may be.

(4) Votes shall be given by ballot and no votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate except in the case of the Bombay (non-Muhammadan) constituency, in which constituency an elector may accumulate all his votes on any one candidate or may distribute them among the candidates as he pleases :

Provided that in the Madras (non-Muhammadan) constituency the election shall be made according to the principle of proportional representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the Governor-General in Council.

(6) Votes shall be counted by, or under the supervision of, the Returning Officer, and any candidate or in the absence of the candidate, a representative duly authorized by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected :

Provided that in the Madras (non-Muhammadan) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette

Regulations regarding the conduct of elections.

13 The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

(1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations,

(2) for the appointment of a Returning Officer for such constituency and for his powers and duties,

(3) for the division of general constituencies into polling areas and for the appointment of polling stations for these areas,

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers,

(5) for the checking of voters by reference to the electoral roll,

(6) for the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,

(8) for the scrutiny of votes,

(9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers, and

(10) for the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Council of State :

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of these regulations.

In particular the Governor General in Council may, notwithstanding anything in these rules, if a resolution in favour of the introduction of proportional representation is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution, for any plural member constituencies, introduce the method of election by means of the single transferable vote, and make all necessary regulations for that purpose and to that end may group together single-member constituencies so as to make new plural-member constituencies.

Multiple elections.

14. (1) If any person is elected by more than one constituency, he shall by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette, choose for which of those constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void and the Governor General shall call upon the constituency or constituencies concerned to elect another person or persons.

Election agents and return of expenses.

Disqualification for being an election agent.

15. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

Revocation of the appointment of election agent.

16. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked by a writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

Return of election expenses.

17. (1) Within one month or such longer period as the Governor General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Fixation of maximum election expenses.

18. (1) The Governor General in Council may, by notification in the Gazette—

(a) fix maximum scales of election expenses, which shall be applicable to any election held after the first elections under these rules; and

(b) prescribe the numbers and description of persons who may be employed for payment in connexion with any election held under these rules.

(2) Any notification issued under this rule may make different provisions for different constituencies.

Accounts of agents

19. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 17 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

PART V.

NOMINATED MEMBERS.

General disqualifications for nomination.

20. (1) SAVE as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Council of State who—

(*a*) is not a British subject; or

(*b*) is a female, or

(*c*) is already a member of any legislative body constituted under the Act; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(*e*) has been adjudged by a competent court to be of unsound mind; or

(*f*) is under 25 years of age; or

(*g*) is an undischarged insolvent; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Council of State to represent that province:

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Term of office of nominated member.

21. (1) A nominated non-official member shall hold office for the duration of the Council of State to which he is nominated.

(2) Official members shall hold office for the duration of the Council of State to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine.

PART VI.

GENERAL PROVISIONS.

Obligation to take oath.

Taking of oath.

22. Every person who is elected or nominated to be a member of the Council of State shall before taking his seat make, at a meeting of the Council of State, an oath or affirmation of his allegiance to the Crown in the following form, namely:—

I, A.B., having been elected or nominated a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Vacation of seat.

Effect of subsequent disability or failure to take oath.

23. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*), and (*h*) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 20, as the case may be, or fails to make the oath or affirmation prescribed by rule 22 within such time as the Governor General considers reasonable, the Governor General shall, by notification in the Gazette, declare his seat to be vacant.

Casual vacancies.

24. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

First constitution of the Council of State

Constitution of Council of State.

25. (1) As soon as conveniently may be after these rules come into force, a Council of State shall be constituted in accordance with their provisions.

(2) For this purpose the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Council of State before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

General Elections.

Reconstitution of Council of State.

26. (1) On the expiration of the duration of a Council of State or on its dissolution, a general election shall be held in order that a new Council of State may be constituted.

(2) On such expiration or dissolution, the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council of State would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Council of State, the Governor General shall make such nominations as may be necessary to complete the Council of State.

Publication of result of general election.

27. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

Definition.

28. In this Part and in Schedule IV, unless there is anything repugnant in the subject or context,—

(a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate;

(b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election; and

(c) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

The election petition.

29. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

Presentation of the petition.

30. An election petition may be presented to the Governor General by any candidate or elector against any returned candidate within fourteen days from the date on which the result of the election has been published in accordance with sub-rule (9) of rule 12.

Contents of the petition.

31. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

Against whom it may be presented.

32. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

33. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

Dismissal for default.

34. (1) If the provisions of rule 33 are not complied with, the Governor General shall dismiss the petition.

Appointment of Commissioners.

(2) Upon compliance with the provisions of rule 33—

(a) the Governor General shall appoint as Commissioners for the trial of the petition three persons who are or have been, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(6) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

Inquiry by Commissioners

35. Every election petition shall be inquired into by the Commissioners, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits: provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

Place of inquiry

36. The inquiry shall be held at such place as the Governor General may appoint: provided that the Commissioners may in their discretion sit for any part of the inquiry at any other place in the province in which the constituency in question is situated, and may depute any one of their number to take evidence at any place in that province.

Withdrawal of petition

37. (1) No election petition shall be withdrawn without the leave of the Commissioners.

(2) If there are more petitioners than one no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Governor General, who shall publish notice thereof in the Gazette; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 33 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of petitioner

38 (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Such abatement shall be reported to the Governor-General, who shall publish notice thereof in the Gazette.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 33 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of respondent

39. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Recrimination when seat claimed.

40. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

Attendance of Law officers

41. When at an inquiry into an election petition the Commissioners so order, the Advocate General or some person acting under his instructions shall attend and take such part therein as they may direct.

Explanation.—The expression "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such other officer as the Local Government may appoint in this behalf.

Grounds for declaring election void

42. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

(a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part I of Schedule IV has been committed, or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto, the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(*a*) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(*b*) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(*c*) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

Explanation.—For the purposes of this sub-rule "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of Commissioners and procedure thereon.

43. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 42.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor General who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor General shall be final.

Form of report.

44. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Finding as to corrupt practices and persons guilty thereof.

45. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

(*b*) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connexion under these rules.

PART VIII.

SPECIAL PROVISION.

Interpretation in case of doubt.

46. If any question arises as to the interpretation of these rules otherwise than in connexion with an election inquiry held thereunder, the question shall be referred for the decision of the Governor General, and his decision shall be final.

SCHEDULE I.

(See rule 4.)

I.—List of Constituencies entitled to representation in every Council of State.

Province	Name of constituency.	Class of Constituency.	Extent of Constituency.	Number of members.
Madras	Madras (Non-Muhammadan) ..	Non-Muhammadan ..	The Madras Presidency ..	4
Do	Madras (Muhammadan) ..	Muhammadan ..	Do ..	1

SCHEDULE II.

(See rule 8.)

QUALIFICATIONS OF ELECTORS.

Part I.—Madras.

Definitions.

1. For the purposes of this Part—

(*a*) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules;

(*b*) "estate" means—

(i) any permanently-settled estate or temporarily-settled zamindari,

(ii) any portion of such permanently-settled estate or temporarily-settled zamindari which is separately registered in the office of the Collector,

(iii) any resettled palaiyam or jagir,

(iv) any inam village of which the grant has been confirmed or recognised by the British Government or any separated part of such village,

(v) any portion consisting of one or more villages of any of the estates specified above in clauses (i), (ii) and (iii) which is held on a permanent undertenure.

Entry of names in land register.

2. Save as expressly provided in this Part, no person claiming to be registered on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility, unless the land from which the income is derived stands registered in such register in his name.

Joint holders.

3. If several persons are registered as joint holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is not disqualified to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

Explanation.—Land registered under section 14 of the Malabar Land Registration Act, 1895, in the joint names of the registered proprietor and another person is not land registered in the names of joint holders within the meaning of this paragraph.

Family property entered in the name of a woman.

4. Where the property of a tarwad or similar joint family under the Marumakkattayam law is registered in the name of a woman and would but for the disqualification of sex, qualify the registered holder as an elector, the senior male member of the family who is not disqualified, or any member not disqualified who is nominated in writing by a majority of the adult male members, shall be entered in the electoral roll as the representative of the family.

Fiduciary capacity.

5. Save as hereinbefore provided, no person shall be entitled to have his name entered in an electoral roll unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

Annual income.

6. For the purposes of this Part, the annual income derived from an estate shall be taken to be the annual rent value upon which the land cess is calculated under the Madras Local Boards Act, 1884, excluding the jodi, quit-rent, peishkash, or similar charge payable to Government.

Calculation of annual income and assessment.

7. In calculating annual income and assessment for the purposes of this Part—

(a) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a maikkana allowance;

(b) in no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account;

(c) the assessment on inam lands shall be taken to be the full assessment which such lands would bear if they were not inam;

(d) assessment paid on more than one parcel of land may be reckoned together: provided that, in the case of land referred to in paragraphs 3 and 4 of this Part, the assessment paid thereon shall not be added to any assessment paid on other land unless the holder of the latter has been nominated, or is entitled, under those paragraphs to represent the joint holders or family in respect of the former land.

Basis of determination of annual rent value and assessment.

8. For the purposes of this Part, the annual rent value and assessment shall be determined with reference to the accounts of the fasli year preceding the calendar year in which the roll is finally published; or, if the accounts for that year are not available, then with reference to the latest accounts that are available: provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of paragraph 7 of this Part, the Collector shall determine the value for the purposes of this Part upon the best information available.

Non-Muhammadan and Muhammadan Constituencies.

9. A person shall be qualified as an elector for a general constituency who has resided in the presidency of Madras for not less than 120 days in the previous year and who—

(a) holds in the presidency an estate of which the annual income is not less than Rs. 3,000; or

(b) is registered as a pattadar or inamdar of land in the presidency on which the assessment, including the water-rate, is not less than Rs. 1,500, or

(c) receives from Government a maikkana allowance the annual amount of which is not less than Rs. 3,000; or

(d) was in the previous year assessed on his own account to income-tax on a total income as computed under section 13 of the Indian Income-tax Act, 1918, of not less than Rs. 20,000; or

(e) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Madras Legislative Council; or

(f) is or has been the non-official president of the Madras Municipal Council or of a district board or taluk board constituted under the Madras Local Boards Act, 1884, or is the non-official vice-president of the said Council or of a district board; or

(*g*) is or has been the non-official chairman or is the non-official vice-chairman of a municipal council constituted under the Madras District Municipalities Act, 1884; or

(*h*) is or has been a member of the Senate or a Fellow or an Honorary Fellow of any University constituted by law in British India; or

(*i*) is the non-official president or vice-president of any central bank or banking union which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912; or

(*j*) is recognized by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya:

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for the Muhammadan constituency, and

(ii) no Muhammadan shall be qualified as an elector for the non-Muhammadan constituency.

SCHEDULE III.

(See rule 27.)

Return of election expenses.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connexion with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connexion with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred in connexion with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;

(*e*) the cost whether paid or incurred of—

(i) printing,
(ii) advertising,
(iii) stationery,
(iv) postage,
(v) telegrams, and
(vi) rooms hired either for public meetings or as committee-rooms;

(*f*) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connexion with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 17 shall be as follows:—

Affidavit.

I being the appointed election agent for a candidate for election in the constituency (or I being a candidate for election in the constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of, 's candidature / my candidature.

(Sd.)

Election agent or candidate.

Solemnly affirmed before me.

(*Magistrate*)

SCHEDULE IV.

(See rules 6, 7, 20, 21, 47 and 48.)

The following shall be deemed to be corrupt practices for the purposes of these rules:—

PART I.

Bribery.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or,

(b) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

Undue influence.

2 (1) Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of a candidate or his agent, by any of the means hereinafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a candidate or with the free exercise of the franchise of an elector.

(2) The means above alluded to are—

(a) any violence, injury, restraint, or fraud and any threat thereof;

(b) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure;

but do not include any declaration of public policy or promise of public action.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Publication of false statements.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Authorization of expenditure.

5. The incurring or authorizing by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Governor-General in Council issued under rule 18 of these rules.

Part II

Acts under Part I.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Bribery

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—

(a) by a person to stand or not to stand as, or to withdraw from being, a candidate, or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

Payment for conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use of public conveyances.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

Incurring expense without authority.

6. The incurring or authorization of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

Hiring of liquor shops.

7. The hiring, using or letting as a committee-room or for the purposes of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circulars, etc., without printer's and publisher's name printed thereon

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

RULES FOR THE ELECTION AND NOMINATION OF MEMBERS TO THE LEGISLATIVE ASSEMBLY, FOR THE QUALIFICATION OF ELECTORS AND MEMBERS, THE CONSTITUTION OF CONSTITUENCIES AND THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF ELECTIONS

GOVERNMENT OF INDIA.

REFORMS OFFICE.

Simla, July 27, 1920.

No. 767-F.—Whereas by section 67 of the Government of India Act, 1919, it is provided that the said Act shall come into operation on such date or dates as the Governor-General in Council with the approval of the Secretary of State in Council may appoint;

And whereas the said Act confers powers for the making of rules thereunder for the nomination and election of members of the Legislative Assembly; and for matters incidental and consequential thereto;

And whereas it is necessary for the purpose of bringing into operation the provisions of the said Act in respect of such Assembly on such date as may hereafter be appointed, to make such rules prior to the date on which those provisions will be brought into operation;

And whereas a draft of such rules was laid before both Houses of Parliament and was duly approved by them with certain modifications and additions;

Now, therefore, in exercise of the powers conferred by section 37 of the Interpretation Act, 1889, read with the rule making powers under the said Act, the Governor-General in Council with the sanction of the Secretary of State in Council is pleased to make the said rules in the form so approved, the same being as follows:—

Short title and commencement. Definitions.

1. (1) These rules may be called the Legislative Assembly Electoral Rules.

(2) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Government of India Act;

(*b*) "Commissioners" means Commissioners appointed for the purpose of holding an election inquiry under these rules;

(*c*) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule IV;

(*d*) "election agent" means the person appointed under these rules by a candidate as his agent for an election;

(*e*) "Gazette" means the Gazette of India; and

(*f*) "Schedule" means a schedule to these rules.

PART I.

COMPOSITION OF LEGISLATIVE ASSEMBLY AND CONSTITUENCIES

Composition of Legislative Assembly.

3. The Legislative Assembly shall consist of—

(1) one hundred and three elected members, and

(2) forty-one members nominated by the Governor-General, of whom twenty-six shall be officials and one shall be a person nominated as the result of an election held in Berar.

Elected Members.

Constituencies.

4. The elected members shall be elected by the constituencies specified in Schedule I, subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

PART II.

QUALIFICATIONS OF ELECTED MEMBERS

General disqualifications for being elected.

5. (1) A person shall not be eligible for election as a member of the Legislative Assembly if such person—

(*a*) is not a British subject; or

(*b*) is a female; or

(*c*) is already a member of any legislative body constituted under the Act; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(*e*) has been adjudged by a competent court to be of unsound mind; or

(*f*) is under 25 years of age; or

(*g*) is an undischarged insolvent; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part.

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Legislative Assembly by any constituency in that province; and no subject of such a State shall for that reason be ineligible for election by the Delhi constituency;

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor-General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless

be offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor-General in Council in that behalf.

Special qualifications for election in case of certain constituencies.

6. (1) No person shall be eligible for election as a member of the Legislative Assembly to represent a general constituency other than a constituency in the province of Burma or Delhi unless—

(a) his name is entered on the electoral roll of the constituency or of a constituency situate in the same province and prescribed for elections to the provincial Council by rules under section 72 A of the Act; and

(b) in the case of a non-Muhammadan, Muhammadan, Sikh or European constituency in the province of Madras, Bombay, Bengal, the Punjab or Bihar and Orissa or in the Central Provinces, he is himself a non-Muhammadan, Muhammadan, Sikh or European as the case may be

(2) No person shall be eligible for election as a member of the Legislative Assembly to represent a special constituency or a constituency in the province of Burma or Delhi unless his name is entered on the electoral roll of the constituency.

(3) For the purposes of these rules—

(a) "general constituency" means a non-Muhammadan, Muhammadan, European, non-European or Sikh constituency or the Delhi constituency; and

(b) "special constituency" means a Landholders' or Indian Commerce constituency.

PART III

The Electoral Roll.

General conditions of registration and disqualifications.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

(a) is not a British subject; or

(b) is a female; or

(c) has been adjudged by a competent court to be of unsound mind; or

(d) is under 21 years of age:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that province; and no subject of such a State shall for that reason be disqualified for registration on the electoral roll of the Delhi constituency:

Provided further that, if a resolution is passed by the Legislative Assembly after not less than one month's notice has been given of an intention to move such a resolution, recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor-General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex, if they are not so disqualified for registration as electors for the Legislative Council of their province:

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report, or, if not on the electoral roll, shall not be so registered for a like period:

Provided that the Governor General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Qualifications of electors

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(i) community,
(ii) residence, and
(iii) (a) ownership or occupation of a building, or
(b) assessment to or payment of municipal or cantonment rates or taxes or local cesses, or
(c) assessment to or payment of income-tax, or
(d) the holding of land, or
(e) membership of a local body,

as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

Electoral roll.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely:—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
(2) the time at which the roll shall be prepared,
(3) the publication of the roll in the constituency to which it relates,
(4) the mode in which and the time within which claims and objections may be preferred,
(5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
(6) the manner in which notices of claims or objections shall be published,
(7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly; and the regulations in regard to these matters for the time being in force in the Punjab shall as far as they are applicable be the regulations in force in the province of Delhi:

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

Right to vote.

10. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency: provided that no person shall vote in more than one general constituency.

PART IV.

ELECTIONS.

Nomination of candidates.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person, who is not disqualified under these rules for the appointment, to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Procedure at elections.

12. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidatures before such time as the Governor General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor General shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members, as the case may be.

(4) Votes shall be given by ballot and in general and Landholders' constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate except in the case of the plural-member constituencies in the presidency of Bombay, in which constituencies any elector may accumulate his votes upon one candidate or distribute them amongst the candidates as he pleases.

Provided that in the Bengal (European) constituency the election shall be made according to the principle of proportional representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the Governor General in Council.

(6) Votes shall be counted by, or under the supervision of, the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorized by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected.

Provided that in the Bengal (European) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette.

Regulations regarding the conduct of elections.

13. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

(1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations,

(2) for the appointment of a Returning Officer for each constituency and for his powers and duties,

(3) for the division of general and Landholders' constituencies into polling areas and for the appointment of polling stations for these areas,

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers,

(5) for the checking of voters by reference to the electoral roll,

(6) for the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,

(8) for the scrutiny of votes,

(9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers, and

(10) for the conduct of election generally,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly, and for the regulations in regard to these matters for the time being in force in the Punjab shall as far as they are applicable be the regulations in force in the province of Delhi:

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

In particular the Governor General in Council may, notwithstanding anything in these rules, if a resolution in favour of the introduction of proportional representation is passed by the Assembly after not less than one month's notice has been given of an intention to move such a resolution, for any plural-member constituencies introduce the method of election by means of the single transferable vote, and may make all necessary regulations for that purpose and to that end may group together single-member constituencies so as to make new plural-member constituencies.

Multiple elections.

14. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette, choose for which of their constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void and the Governor General shall call upon the constituency or constituencies concerned to elect another person or persons.

Election agents and return of expenses.

Disqualification for being an election agent.

15. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (5) or sub-rule (4) of rule 5.

Revocation of appointment of election agent.

16. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked by a writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

Return of election expenses.

17. (1) Within one month or such longer period as the Governor General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Fixation of maximum election expenses.

18. (1) The Governor General in Council may, by notification in the Gazette,

(*a*) fix maximum scales of election expenses, which shall be applicable to any election held after the first elections under these rules; and

(*b*) prescribe the numbers and description of persons who may be employed for payment in connexion with any election held under these rules.

(2) Any notification issued under this rule may make different provisions for different constituencies.

Accounts of agents.

19. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 17 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

PART V.

NOMINATED MEMBERS.

General disqualifications for nomination.

20. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Legislative Assembly who—

(*a*) is not a British subject; or

(*b*) is a female; or

(*c*) is already a member of any legislative body constituted under the Act; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(*e*) has been adjudged by a competent court to be of unsound mind; or

(*f*) is under 25 years of age; or

(*g*) is an undischarged insolvent; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Legislative Assembly to represent that province, and no subject of such a State shall for that reason be disqualified for nomination to represent the province of Delhi:

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible

for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Term of office of nominated member.

21. (1) A nominated non-official member shall hold office for the duration of the Legislative Assembly to which he is nominated

(2) Official members shall hold office for the duration of the Legislative Assembly to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine

PART VI.

General Provisions.

Obligation to take oath.

Taking of oath.

22. Every person who is elected or nominated to be a member of the Legislative Assembly shall before taking his seat make, at a meeting of the Legislative Assembly, an oath or affirmation of his allegiance to the Crown in the following form, namely,—

I, A B, having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Assembly, do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter

Vacation of seat.

Effect of subsequent disabilities or failure to take oath.

23. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*) and (*i*) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 20, as the case may be, or fails to make the oath or affirmation prescribed by rule 22 within such time as the Governor General considers reasonable, the Governor General shall, by notification in the Gazette, declare his seat to be vacant.

Casual vacancies

24. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

First constitution of the Legislative Assembly.

Constitution of Legislative Assembly.

25. (1) As soon as conveniently may be after these rules come into force, a Legislative Assembly shall be constituted in accordance with their provisions.

(2) For this purpose the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Legislative Assembly before the date fixed for its first meeting

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

General Elections.

Reconstitution of Legislative Assembly.

26. (1) On the expiration of the duration of a Legislative Assembly or on its dissolution, a general election shall be held in order that a new Legislative Assembly may be constituted.

(2) On such expiration or dissolution, the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Legislative Assembly, the Governor General shall make such nominations as may be necessary to complete the Legislative Assembly

Publication of result of general election

27. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

Definitions.

28. In this Part and in Schedule IV, unless there is anything repugnant in the subject or context,—

(a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connexion with an election with the knowledge or consent of the candidate;

(b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election provided that he is subsequently nominated as a candidate at such election; and

(c) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

The election petition.

29. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

Presentation of the petition.

30. An election petition may be presented to the Governor General by any candidate or elector against any returned candidate within fourteen days from the date on which the result of the election has been published in accordance with sub-rule (3) of rule 12.

Contents of the petition.

31. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

Against whom it may be presented.

32. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

33. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

Dismissal for default.

34. (1) If the provisions of rule 33 are not complied with, the Governor General shall dismiss the petition.

(2) Upon compliance with the provisions of rule 33—

Appointment of Commissioners.

(a) the Governor General shall appoint as Commissioners for the trial of the petition three persons who are or have been, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connexion therewith shall be dealt with and held by such Commissioners;

(b) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

Inquiry by Commissioners.

35. Every election petition shall be inquired into by the Commissioners, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits: provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

Place of inquiry.

36. The inquiry shall be held at such place as the Governor General may appoint:

Provided that the Commissioners may in their discretion sit for any part of the inquiry at any other place in the province in which the constituency in question is situated, and may depute any one of their number to take evidence at any place in that province.

Withdrawal of petition.

37. (1) No election petition shall be withdrawn without the leave of the Commissioners.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Governor General, who shall publish notice thereof in the Gazette; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 33 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of petitioner

35. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Such abatement shall be reported to the Governor General, who shall publish notice thereof in the Gazette.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 33 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of respondent.

36. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Recrimination when seat claimed

40. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

Attendance of Law officers.

41. When at an inquiry into an election petition the Commissioners so order, the Advocate General or some person acting under his instructions shall attend and take such part therein as they may direct.

Explanation.—The expression "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such other officer as the Local Government may appoint in this behalf.

Grounds for declaring election void.

42. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

(a) the election of a returned candidate has been procured or indeed, or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part II of Schedule IV has been committed, or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto,

the election of returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

Explanation.—For the purposes of this sub-rule 'treating' means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of Commissioners and procedure thereon

43. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 42.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor General who, on receipt thereof shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor General shall be final.

Form of report

44. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Finding as to corrupt practices and persons guilty thereof.

45. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

(b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules.

PART VIII.

SPECIAL PROVISION.

Interpretation in case of doubt.

46. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor General, and his decision shall be final.

SCHEDULE I.

(See rule 4.)

I (1).—List of Constituencies entitled to representation in every Legislative Assembly

Province.	Name of constituency.	Class of constituency.	Extent of constituency	Number of members.
Madras ..	Madras City	Non-Muhammadan Urban.	The City of Madras as defined in section 3 (2) of the Madras City Municipal Act, 1919, but including Fort St. George	1
Do. ..	Ganjam cum Vizagapatam ..	Non-Muhammadan Rural.	The Districts and Agencies of Ganjam and Vizagapatam	1
Do ..	Godavari cum Kistna ..	Do.	The Districts and Agency of Godavari and the District of Kistna	1
Do ..	Guntur cum Nellore ..	Do.	The Districts of Guntur and Nellore.	1
Do. ..	Madras ceded Districts and Chittoor.	Do.	The Districts of Anantapur, Bellary, Cuddapah, Kurnool and Chittoor.	1
Do. ..	Salem and Coimbatore cum North Arcot.	Do.	The Districts of Salem, Coimbatore and North Arcot.	1
Do. ..	South Arcot cum Chingleput.	Do.	The Districts of South Arcot and Chingleput.	1
Do. ..	Tanjore cum Trichinopoly ..	Do.	The Districts of Tanjore and Trichinopoly.	1
Do. ..	Madura and Ramnad cum Tinnevelly.	Do.	The Districts of Madura, Ramnad and Tinnevelly	1
Do. ..	West Coast and Nilgiris (Non-Muhammadan).	Do.	The Districts of the Nilgiris, Malabar, Anjengo and South Kanara	1
Do. ..	North Madras (Muhammadan)	Muhammadan ..	The Districts and Agencies of Ganjam, Vizagapatam and Godavari, and the Districts of Kistna, Guntur, Nellore, Anantapur, Bellary, Cuddapah, Kurnool and Chittoor.	1
Do. ..	South Madras (Muhammadan).	Do. ..	The Districts of Chingleput, Madras, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly.	1
Do. ..	West Coast and Nilgiris (Muhammadan).	Do. ..	The Districts of the Nilgiris, Malabar, Anjengo and South Kanara.	1
Do .	Madras (European) . .	European ..	The Madras Presidency	1
Do. ..	Do. Landholders ..	Landholders	Do	1
Do ..	Do. Indian Commerce ..	Indian Commerce ..	Do.	1

SCHEDULE II.

(See rule 6.)

QUALIFICATIONS OF ELECTORS

Part I.—Madras.

Definitions.

1. For the purposes of this part—

(a) 'a European' means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(b) 'previous year' means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules;

(c) 'estate' means—

(i) any permanently settled estate or temporarily settled zamindari,

(ii) any portion of such permanently settled estate or temporarily settled zamindari which is separately registered in the office of the Collector,

(iii) any unsettled Palaiyam or Jagir,

(iv) any Inam village of which the grant has been confirmed or recognized by the British Government or any separated part of such village,

(v) any portion consisting of one or more villages of any of the estates specified above in clauses (i), (ii) and (iii) which is held on a permanent under tenure;

(d) 'landholder' means a person owning an estate or part thereof and includes every person entitled to collect the rents of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor in title or of any orders of a competent court or of any provision of law;

(e) 'ryot' means a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it.

Revenue accounts, etc., to be conclusive evidence.

2. For the purpose of determining any claim to a qualification under this Part the entries in the land-revenue accounts and *muchilikas* and in the municipal records shall be conclusive evidence of the facts therein stated.

Joint families.

3. (1) If property is held or payments are made jointly by the members of a joint family or by joint pattadars the family or joint holding shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised by a majority of the family or of the joint holders or, in the case of a Hindu joint family, either a member so authorised or the manager thereof.

(2) A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or of joint pattadars, but not in both capacities.

Fiduciary capacity not recognised.

4. Save as in this Part expressly provided, no person shall be qualified as an elector in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

Annual rent value.

5. For the purposes of this Part the annual rent value of land shall be determined in accordance with the provisions of section 64 of the Madras Local Boards Act, 1884, with reference to the accounts of the *fasli* year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules or, if the accounts for that year are not available, with reference to the latest accounts that are available: provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of section 64 of the Madras Local Boards Act, 1884, the Registration Officer shall determine the value for the purposes of this Part upon the best information available.

General Constituencies.

Madras City constituency.

6. A person shall be qualified as an elector for the Madras City constituency who is neither a Muhammadan nor a European and who resided in the constituency for not less than 120 days in the previous year and who—

(a) was in the previous year assessed to an aggregate amount of not less than Rs. 20 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession tax; or

(b) was in the previous year assessed to income-tax.

Rural constituencies.

7. A person shall be qualified as an elector in any other general constituency who resided in the constituency for not less than 120 days in the previous year and who—

(a) is registered as a ryotwari pattadar or as an inamdar of land of which the annual rent value is not less than Rs. 50; or

(b) holds on a registered lease under a ryotwari pattadar or inamdar land of which the annual rent value is not less than Rs. 50; or

(c) is registered jointly with the proprietor under section 14 of the Malabar Land Registration Act, 1835, as the occupant of land of which the annual rent value is not less than Rs. 50; or

(d) is a landholder holding an estate of which the annual rent value is not less than Rs. 50; or

(e) holds as 'ryot' or as tenant under a landholder, land of which the annual rent value is not less than Rs. 50; or

(f) was in the previous year assessed in a municipality included in the constituency to an aggregate amount of not less than Rs. 20 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession tax; or

(g) was in the previous year assessed to income-tax:

Provided that—

(i) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency; and

(ii) a person shall be qualified as an elector for a Muhammadan or European constituency according as he is a Muhammadan or a European.

Special Constituencies.

The Landholders' Constituency.

8. A person shall be qualified as an elector for the Landholders' constituency if his name is registered on the electoral roll of any Landholders' constituency of the Legislative Council of the Governor of Madras.

The Indian Commerce constituency.

9. Every Indian and one duly authorised representative of every Indian partnership shall be qualified as an elector on the roll of the Indian Commerce constituency if such person has resided in the presidency for not less than 120 days in the previous year, and if he or the partnership, as the case may be, has been assessed to income-tax in the previous year on an income of not less than Rs. 10,000 derived from business within the meaning of the Indian Income tax Act, 1918.

Explanation.—For the purposes of this paragraph—

(*a*) 'Indian' includes any person who is not a European, and

(*b*) 'Indian partnership' means any non-European joint family, or any firm, association or company of which no partner or director is a European.

SCHEDULE III.

(See Rule 17.)

Return of election expenses.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;

(*e*) the cost whether paid or incurred of—

(i) printing,
(ii) advertising,
(iii) stationery,
(iv) postage,
(v) telegrams, and
(vi) rooms hired either for public meetings or as committee rooms;

(*f*) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (e.g., travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 17 shall be as follows:—

Affidavit.

I, , being the appointed election agent for , a candidate for election in the constituency (*or* I, , being a candidate for election in the constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of ——— 's candidature. my candidature.

(Signed)

Election agent or *Candidate.*

Solemnly affirmed before me.

(*Magistrate.*)

SCHEDULE IV.

(See rules 9, 7, 20, 21, 42 and 46.)

The following shall be deemed to be corrupt practices for the purposes of these rules:—

PART I.

Bribery.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(*b*) an elector to vote or refrain from voting at an election,

or as a reward to—

(*c*) a person for having so stood or not stood or for having withdrawn his candidature, or

(*d*) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any

expenses bona fide incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

Undue influence.

2. (1) Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of a candidate or his agent, by any of the means hereafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector.

(2) The means above alluded to are—

(*a*) any violence, injury, restraint, or fraud and any threat thereof;

(*b*) any threat to a person or inducement to a person to believe he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure;

but do not include any declaration of public policy or promise of public action.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Publication of false statements.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Authorisation of expenditure.

5. The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Governor-General in Council issued under rule 18 of these rules.

PART II.

Acts under Part I.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Bribery.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—

(*a*) by a person to stand or not to stand as, or to withdraw from being, a candidate, or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

Payment for conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use of public conveyances.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

Incurring expense without authority.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

Hiring of liquor shops.

7. The hiring, using or letting, as a committee room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

RULES FOR THE ELECTION AND NOMINATION OF MEMBERS TO THE MADRAS LEGISLATIVE COUNCIL, FOR THE QUALIFICATION OF ELECTORS AND MEMBERS, THE CONSTITUTION OF CONSTITUENCIES AND THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF ELECTIONS.

GOVERNMENT OF INDIA.

REFORMS OFFICE.

Simla, July 27, 1920.

No. 767-F.—Whereas by section 47 of the Government of India Act, 1919, it is provided that the said Act shall come into operation on such date or dates as the Governor-General in Council with the approval of the Secretary of State in Council may appoint;

And whereas the said Act confers powers for the making of rules thereunder for the nomination and election of members of the Legislative Council of the Governor of Madras and for matters incidental and consequential thereto;

And whereas it is necessary for the purpose of bringing into operation the provisions of the said Act in respect of such Legislative Council on such dates as may hereafter be appointed to make such rules prior to the date on which these provisions will be brought into operation;

And whereas a draft of such rules was laid before both Houses of Parliament and was duly approved by them with certain modifications and additions;

Now, therefore, in exercise of the powers conferred by section 37 of the Interpretation Act, 1889, read with the rule-making powers under the said Act, the Governor-General in Council with the sanction of the Secretary of State in Council is pleased to make the said rules in the form so approved, the same being as follows :—

Short title and commencement.

1. (1) These rules may be called the Madras Electoral Rules.

(2) They shall come into force at once.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Government of India Act;

(*b*) "Commissioners" means Commissioners appointed for the purpose of holding an election inquiry under these rules;

(*c*) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule IV;

(*d*) "election agent" means the person appointed under these rules by a candidate as his agent for an election;

(*e*) "Gazette" means the Fort St. George Gazette; and

(*f*) "Schedule" means a Schedule to these rules.

PART I.

Composition of Council and Constituencies.

Composition of Legislative Council.

3. The Legislative Council of the Governor of Madras shall consist of—

(1) the members of the Executive Council *ex-officio*;

(2) ninety-eight elected members; and

(3) such number of members nominated by the Governor as, with the addition of the members of the Executive Council, shall amount to twenty-nine; of the members so nominated—

(*a*) not more than nineteen may be officials, and

(*b*) six shall be persons nominated as follows, namely :—

(i) five to represent the following communities, namely, the Paraiyans, Pallans, Vallurans, Malas, Madigas, Chakkiliyans, Tottiyans, Cherumans and Holeyas, and

(ii) one to represent the inhabitants of backward tracts.

For the purpose of selecting persons to be nominated under sub-clause (*b*) of clause (3) of this rule the Governor may at his discretion make regulations providing for their selection by the communities concerned.

Constituencies.

4. The elected members shall be elected by the constituencies specified in Schedule I, and the number of members to be elected by each constituency, and the number, if any, of seats reserved for non-Brahmans members (hereinafter in these rules referred to as reserved seats) shall, subject to the provisions of that Schedule, be as stated therein against that constituency.

PART II.

Qualifications of Elected Members.

General disqualifications for being elected.

5. (1) A person shall not be eligible for election as a member of the Council if such person—

(*a*) is not a British subject; or

(*b*) is a female; or

(*c*) is already a member of the Council or of any other legislative body constituted under the Act; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(*e*) has been adjudged by a competent court to be of unsound mind; or

(*f*) is under 25 years of age; or

(*g*) is an undischarged insolvent; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be ineligible for election by reason only of not being a British subject or British subjects.

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the local Government in that behalf.

Special qualifications for election in case of certain constituencies.

6 (1) (*a*) No person shall be eligible for election as a member of the Council to represent a general constituency unless his name is registered on the electoral roll of the constituency or of any other constituency in the province; and unless in the case of a non-Muhammadan, Mohammadan, Indian Christian, European or Anglo-Indian constituency he is himself a non-Muhammadan, Muhammadan, Indian Christian, European or Anglo-Indian, as the case may be.

(*b*) No person shall be eligible for election as a member of the Council to represent a special constituency unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(*a*) "general constituency" means a non-Muhammadan, Muhammadan, Indian Christian, European or Anglo-Indian constituency; and

(*b*) "special constituency" means a Landholders', University, Planters', or Commerce and Industry constituency.

PART III.

THE ELECTORAL ROLL.

General conditions of registration and disqualifications.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of any constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

(*a*) is not a British subject; or

(*b*) is a female; or

(*c*) has been adjudged by a competent court to be of unsound mind; or

(*d*) is under 21 years of age:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for registration by reason only of not being a British subject or British subjects:

Provided further that, if a resolution is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution recommending that the sex disqualification for registration should be removed either in respect of women generally or in respect of any class of women, the local Government shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex:

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period:

Provided that the local Government may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Qualifications of electors.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(i) community,

(ii) residence, and

(iii) (*a*) occupation of a house, or

(*b*) assessment to property tax, tax on companies or profession-tax, or

(*c*) assessment to income-tax, or

(*d*) receipt of a military pension, or

(*e*) the holding of land,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II to these rules in the case of that constituency.

Electoral roll.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) Subject to the provisions of these rules, the local Government shall make regulations providing for—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;

(2) the time at which the roll shall be prepared;

(3) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates;

(4) the mode in which and the time within which claims and objections may be preferred;

(5) the constitution and appointment of Revising Authorities to dispose of claims and objections;

(6) the manner in which notices of claims or objections shall be published; and

(7) the place, date, and time at which and the manner in which claims or objections shall be heard;

and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as it may consider desirable. Such regulations may be made as to rolls generally or any class of rolls or any particular roll.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the local Government may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the local Government may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

Right to vote.

10. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency: provided that no person shall vote in more than one general constituency.

PART IV.

Elections.

Nomination of candidates.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or after the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person, who is not disqualified under these rules for the appointment, to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Procedure at election.

12. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the local Government may fix in this behalf exceeds that of the vacancies, a poll shall be taken:

Provided that, if any seat is reserved and the number among such candidates of non-Brahmans is equal to the number of the reserved seats, the non-Brahman candidate or candidates, as the case may be, shall be declared to be elected, and a poll shall only be taken if any vacancy thereafter remains to be filled.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members, as the case may be.

(4) Votes shall be given by ballot and in general and Landholders' constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected: provided that no elector shall give more than one vote to any one candidate.

(6) Votes shall be counted by, or under the supervision of, the Returning officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected:

Provided that, if one or more seats are reserved, the Returning officer shall first declare to be elected the non-Brahman candidate or candidates, as the case may be, to whom the largest number of votes has been given.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning officer and in such manner as he may determine.

(9) The Returning officer shall without delay report the result of the election to the Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the Gazette.

Government to make regulations regarding the conduct of elections.

13. (1) Subject to the provisions of these rules, the local Government shall make regulations providing—

(1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations;

(2) for the appointment of a Returning officer for each constituency and for his powers and duties;

(3) in the case of general and Landholders' constituencies, for the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and for the appointment of polling stations for those areas;

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers;

(5) for the checking of voters by reference to the electoral roll;

(6) for the manner in which votes are to be given, and in particular for the case of illiterate voters or voters under physical or other disability;

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;

(8) for the scrutiny of votes;

(9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers;

and may make such other regulations regarding the conduct of elections as it thinks fit.

(2) Notwithstanding anything in these rules, if a resolution in favour of the introduction of proportional representation is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution, the local Government may for any plural-member constituencies introduce the method of election by means of the single transferable vote, and may make all necessary regulations for the purpose and to that end may group together single-member constituencies so as to make new plural-member constituencies.

(3) In the exercise of the foregoing power regulations may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

Multiple elections.

14. (1) If any person is elected by a constituency of the Council and by a constituency of either chamber of the Indian legislature, the election of such person to the Council shall be void and the Governor shall call upon the constituency concerned to elect another person.

(2) If any person is elected either by more than one constituency of the Council or by a constituency of the Council and a constituency of the Legislative Council of another province, he shall, by notice in writing signed by him and delivered to the Secretary to the Council or the Secretaries to both Councils, as the case may be, within seven days from the date of the publication of the result of such election in the local official Gazette, choose for which of those constituencies he shall serve, and such choice shall be conclusive.

(3) When any such choice has been made, the Governor shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(4) If the candidate does not make the choice referred to in sub-rule (2) of this rule, the elections of such person shall be void and the Governor shall call upon the constituency or constituencies concerned to elect another person or persons.

Election agents and return of expenses.

Disqualifications for being election agent.

15. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

Revocation of appointment of election agent.

16. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked by a writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

Return of election expenses.

17. (1) Within one month or such longer period as the Governor may allow after the date of the declaration of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning officer a return of his election expenses containing the particulars specified in Schedule III.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interest for expenses incurred on account of, or in respect of, the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule III and shall be made on oath or affirmation before a Magistrate.

(4) The local Government shall cause to be prepared in such manner, and maintained for such time, as it may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning officer.

Fixation of maximum election expenses.

18. (1) The Governor General in Council may, by notification in the Gazette,—

(a) fix maximum scales of election expenses, which shall be applicable to any election held after the first elections under these rules; and

(b) prescribe the numbers and description of persons who may be employed for payment in connexion with any election held under these rules.

(2) Any notification issued under this rule may make different provisions for different constituencies.

Accounts of agents.

19. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 17 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

PART V.

Nominated Members

General disqualifications for nomination.

20. (1) No person shall be nominated to the Council who—

(a) is not a British subject; or

(b) is a female; or

(c) is already a member of the Council or of any other legislative body constituted under the Act; or

(d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(e) has been adjudged by a competent court to be of unsound mind; or

(f) is under 25 years of age; or

(g) is an undischarged insolvent; or

(h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for nomination by reason only of not being a British subject or British subjects:

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraphs 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of Commissioners as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the local Government in that behalf.

Term of office of nominated member.

21. (1) A nominated non-official member shall hold office for the duration of the Council to which he is nominated.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Governor may, at the time of nomination, determine.

PART VI.

General Provisions.

Obligation to take oath.

Taking of oath.

22. Every person who is elected or nominated to be a member of the Council shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, A B, having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Council, do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Vacation of seat.

Effect of subsequent disabilities or failure to take oath.

23. (1) If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*) and (*h*) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 20, as the case may be, or fails to make the oath or affirmation prescribed by rule 22 within such time as the Governor considers reasonable, the Governor shall, by notification in the Gazette, declare his seat to be vacant.

(2) When any such declaration is made, the Governor shall, by notification as aforesaid, call upon the constituency concerned to elect another person within such time as may be prescribed by the notification, or shall nominate another person, as the case may be.

Casual vacancies.

24. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by the notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall nominate to the vacancy a person having the necessary qualification under these rules.

First constitution of the Council.

Constitution of Council.

25. (1) As soon as conveniently may be after these rules come into force, a Council shall be constituted in accordance with their provisions.

(2) For this purpose the Governor shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time as may be prescribed by the notification, and shall make such nominations as may be necessary to complete the Council before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Local Government may by order do any matter or thing which appears to it necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

General Elections.

Constitution of Council.

26. (1) On the expiration of the duration of a Council or on its dissolution, a general election shall be held in order that a new Council may be constituted.

(2) On such expiration or dissolution, the Governor shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.

(3) Before the day fixed for the first meeting of the Council the Governor shall make such nominations as may be necessary to complete the Council.

Publication of result of general election.

27. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

PART VII.

The final decision of doubts and disputes as to the validity of an election.

Definitions.

28. In this Part and in Schedule IV, unless there is anything repugnant in the subject or context,—

(*a*) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate ;

(*b*) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been

improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election; and

(c) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

The election petition.

29. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

Presentation of the petition.

30. An election petition may be presented to the Governor by any candidate or elector against any returned candidate within fourteen days from the date on which the result of the election has been published in accordance with sub-rule (9) of rule 12.

Contents of the petition.

31. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

Against whom it may be presented.

32. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

33. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

Dismissal for default.

34. (1) If the provisions of rule 33 are not complied with, the Governor shall dismiss the petition.

Appointment of Commissioners.

(2) Upon compliance with the provisions of rule 33—

(a) the Governor shall appoint as Commissioners for the trial of the petition three persons who are or have been, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(b) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

Inquiry by Commissioners.

35. Every election petition shall be inquired into by the Commissioners, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits: provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

Place of inquiry.

36. The inquiry shall be held at such place as the Governor may appoint; provided that the Commissioners may in their discretion sit at any other place in the presidency for any part of the inquiry, and may depute any one of their number to take evidence at any place in the presidency.

Withdrawal of petition.

37. (1) No election petition shall be withdrawn without the leave of the Commissioners.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Governor, who shall publish notice thereof in the Gazette; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 33 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of petitioner.

38. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Such abatement shall be reported to the Governor, who shall publish notice thereof in the Gazette.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 33 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of respondent.

39. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Recrimination when seat claimed.

40. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been returned candidate and a petition had been presented complaining of his election.

Attendance of Law Officer.

41. When at an inquiry into an election petition the Commissioners so order, the Advocate-General or some person acting under his instructions shall attend and take such part therein as they may direct.

Grounds for declaring election void.

42. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

(*a*) the election of a returned candidate has been procured or induced or the result of the election has been materially affected, by a corrupt practice, or

(*b*) any corrupt practice specified in Part I of Schedule IV has been committed, or

(*c*) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(*a*) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent and

(*b*) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(*c*) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

Explanation.—For the purposes of this sub-rule "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of Commissioners and procedure thereon.

43. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate or any other party to the petition who has under the provisions of these rules claimed the seat has been duly elected, and in so reporting shall have regard to the provisions of rule 42.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor shall be final.

Form of reports.

44. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Findings as to corrupt practices and persons guilty thereof.

45. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with connivance of any candidate or his agent, and the nature of such corrupt practice, and

(*b*) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connexion under these rules.

PART VIII

SPECIAL PROVISION.

Interpretation in case of doubt.

46. If any question arises as to the interpretation of these rules otherwise than in connexion with an election inquiry held thereunder, the question shall be referred for the decision of the Governor, and his decision shall be final.

SCHEDULE I

(See rule 4.)

I. List of Constituencies

Name of constituency.	Class of constituency.	Extent of constituency.	Number of members.	Reserved seats.
Madras City	Non-Muhammadan Urban.	The city of Madras as defined in section 3 (8) of the Madras City Municipal Act, 1919, but including Fort St. George.	4	2
Madura City and Trichinopoly cum Srirangam.	Do.	The municipality of Madura	1	..
	Do.	The municipalities of Trichinopoly and Srirangam.	1	..
Cocanada City	Do.	The municipality of Cocanada	1	..
Vizagapatam City	Do.	The municipality of Vizagapatam	1	..
Tinnevelly cum Palamcottah	Do.	The municipalities of Tinnevelly and Palamcottah.	1	1
Anantapur	Non-Muhammadan Rural.	The District of Anantapur	2	1
Arcot (North)	Do.	The District of North Arcot	2	1
Arcot (South)	Do.	The District of South Arcot	2	1
Bellary	Do.	The District of Bellary	2	1
Chingleput	Do.	The District of Chingleput	2	1
Chittoor	Do.	The District of Chittoor	2	1
Coimbatore	Do.	The District of Coimbatore	3	1
Cuddapah	Do.	The District of Cuddapah	2	1
Ganjam	Do.	The District and Agency of Ganjam	2	1
Godavari	Do.	The District and Agency of Godavari (excluding the municipality of Cocanada).	2	1
Guntur	Do.	The District of Guntur	2	1
Kanara (South)	Do.	The District of South Kanara	1	1
Kistna	Do.	The District of Kistna	4	2
Kurnool	Do.	The District of Kurnool	2	1
Madura district	Do.	The District of Madura excluding the municipality of Madura	2	1
Malabar cum Anjengo	Do.	The Districts of Malabar and Anjengo.	2	1
Nellore	Do.	The District of Nellore	2	1
Ramnad	Do.	The District of Ramnad	2	1
Salem	Do.	The District of Salem	2	1
Tanjore	Do.	The District of Tanjore	2	1
Tinnevelly district	Do.	The District of Tinnevelly excluding the municipalities of Tinnevelly and Palamcottah	2	1
Trichinopoly district	Do.	The District of Trichinopoly excluding the municipalities of Trichinopoly and Srirangam.	2	1
Vizagapatam district	Do.	The District and Agency of Vizagapatam, excluding the municipality of Vizagapatam	2	1
The Nilgiris	Do.	The Nilgiris District	1	1
Madras City (Muhammadan).	Muhammadan Urban.	The city of Madras as defined in section 3 (8) of the Madras City Municipal Act, 1919, but including Fort St. George.	1	..
Madura and Trichinopoly cum Srirangam.	Do.	The municipalities of Madura, Trichinopoly and Srirangam.	2	..
Northern Circars (Muhammadan).	Muhammadan Rural.	The Districts and Agencies of Ganjam, Vizagapatam and Godavari and the District of Kistna	1	..
East Coast (Muhammadan)	Do.	The Districts of Guntur, Nellore and Chittoor	1	..
Ceded Districts (Muhammadan).	Do.	The Districts of Cuddapah, Kurnool, Bellary and Anantapur	1	..
North Arcot cum Chingleput.	Do.	The Districts of North Arcot and Chingleput.	1	..
Central Districts (Muhammadan).	Do.	The Districts of Salem, Coimbatore, the Nilgiris and South Arcot.	1	..
Tanjore (Muhammadan)	Do.	The District of Tanjore	1	..
Madura cum Trichinopoly (Muhammadan Rural)	Do.	The Districts of Madura and Trichinopoly excluding the municipalities of Madura, Trichinopoly and Srirangam.	1	..
Ramnad cum Tinnevelly (Muhammadan).	Do.	The Districts of Ramnad and Tinnevelly.	1	..
Malabar cum Anjengo (Muhammadan).	Do.	The Districts of Malabar and Anjengo.	2	..
South Kanara	Do.	The District of South Kanara	1	..
Northern Districts (Christian).	Indian Christian	The Districts and Agencies of Ganjam, Vizagapatam and Godavari, and the Districts of Kistna, Guntur and Nellore.	1	..

Name of constituency.	Class of constituency.	Extent of constituency.	Number of members.	Reserved seats.
Central Districts (Christian) ..	Indian Christian ..	The Districts of Cuddapah, Kurnool, Anantapur, Bellary, Chittoor, Chingleput, Madras, South Arcot and North Arcot.	1	..
West Coast (Christian) ..	Do. ..	The Districts of Salem, Coimbatore, The Nilgiris, Malabar, Anjengo and South Kanara.	1	..
Tanjore and Trichinopoly cum Madura (Christian).	Do. ..	The Districts of Tanjore, Trichinopoly and Madura	1	..
Ramnad cum Tinnevelly (Christian)	Do. ..	The Districts of Ramnad and Tinnevelly.	1	..
European	European	The Madras Presidency	1	..
Anglo-Indian	Anglo-Indian ..	Do.	1	..
Northern Landholders, I ..	Landholders ..	The Districts and Agencies of Ganjam and Vizagapatam	1	..
Northern Landholders, II ..	Do. ..	The District and Agency of Godavari, and the Districts of Kistna and Guntur	1	..
North Central Landholders ..	Do. ..	The Districts of Chittoor, Cuddapah, Kurnool, Bellary, Anantapur, Nellore, Madras and Chingleput.	1	..
South Central Landholders ..	Do. ..	The Districts of Salem, Coimbatore, North Arcot and South Arcot.	1	..
Southern Landholders ..	Do. ..	The Districts of Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly.	1	..
West Coast Landholders ..	Do. ..	The Districts of Malabar, Anjengo, South Kanara and The Nilgiris.	1	..
Madras University	University	(Non-territorial)	1	..
Madras Planters	Planting	Do.	1	..
Madras Chamber of Commerce.	Commerce and Industry	Do.	2	..
Madras Trades Association ..	Do	Do.	1	..
Southern India Chamber of Commerce.	Do.	Do.	1	..
Nattukkottai Nagarathars' Association.	Do.	Do.	1	..

II. Seats shall be deemed to be reserved seats within the meaning of this schedule for the purposes of an election if the number of non-Brahmans members already representing the constituency is less than the number of seats specified as reserved seats, to the extent only of that deficiency:

Provided that, if the number of non-Brahmans candidates at the date of the election is less than the number of reserved seats, the number of reserved seats shall be reduced to the extent of that deficiency.

SCHEDULE II.

(See rule 8.)

Qualifications of electors.

1.—For the purposes of this schedule—

Definitions.

(*a*) "an Anglo-Indian" means any person being a British subject and resident in British India,

(i) of European descent in the male line who is not a European, or

(ii) of mixed Asiatic and non-Asiatic descent, whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European;

(*b*) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(*c*) "member," in relation to a Chamber of Commerce or a planters' or traders' association, includes any person entitled to exercise the rights and privileges of membership on behalf of and in the name of any firm, company or corporation registered as a member;

(*d*) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules;

(*e*) "zamindar" means the holder of an estate;

(*f*) "estate" means—

(i) any permanently settled estate or temporarily settled zamindari,

(ii) any portion of such permanently settled estate or temporarily settled zamindari which is separately registered in the office of the Collector,

(iii) any unsettled Palaiyam or Jagir,

(iv) any Inam village of which the grant has been confirmed or recognised by the British Government or any separated part of such village,

(v) any portion consisting of one or more villages of any of the estates specified above in clauses (i), (ii) and (iii) which is held on a permanent under tenure;

(*g*) "landholder" means a person owning an estate or part thereof and includes every person entitled to collect the rents of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor in title or of any orders of a competent court or of any provision of law;

(*h*) "ryot" means a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it.

Revenue accounts, etc., to be conclusive evidence.

2. For the purpose of determining any claim to a qualification under this schedule the entries in the land revenue accounts and *muchilakas* regarding the amounts of assessment, water rate and rent payable, and the entries in the municipal records regarding the amounts of taxes assessed or paid and the values of houses shall be conclusive evidence of the facts stated therein.

GENERAL CONSTITUENCIES.

Non-Muhammadan constituencies (Urban and Rural).

3. A person not being a European, an Anglo-Indian, an Indian Christian or a Muhammadan shall be qualified as an elector for a non-Muhammadan constituency, who resided in the constituency for not less than 120 days in the previous year, and has the further qualifications hereinafter prescribed for an elector of the particular constituency.

Urban—Madras City constituency.

4. A person shall be qualified as an elector for a Madras City constituency who—

(*a*) was assessed in the previous year to property-tax or tax on companies or profession-tax; or

(*b*) occupied for not less than six months in the previous year a house in the city, not being a house in any military or police lines, of an annual value of not less than Rs. 60; or

(*c*) was assessed in the previous year to income-tax; or

(*d*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

Explanation.—No person shall be deemed to occupy a house within the meaning of clause (*b*) unless he is paying or is liable to pay to the owner the rent thereof, or is exempt from the payment of rent by virtue of any office, service or employment; nor shall more than one person be qualified as an elector in respect of the same house.

Urban constituencies other than Madras.

5. A person shall be qualified as an elector for an urban constituency other than a Madras City constituency who—

(*a*) was assessed in the previous year to an aggregate amount of not less than Rs. 3 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession-tax; or

(*b*) holds within the constituency any of the qualifications in respect of the holding of land hereinafter prescribed for an elector of a rural constituency; or

(*c*) was assessed in the previous year to income-tax; or

(*d*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

Rural constituencies.

6. A person shall be qualified as an elector for a rural constituency who—

(*a*) is registered as a ryotwari pattadar or as an inamdar of land, the annual rent value of which is not less than Rs. 10; or

(*b*) holds on a registered lease under a ryotwari pattadar or an inamdar of land, the annual rent value of which is not less than Rs. 10; or

(*c*) is registered jointly with the proprietor under section 14 of the Malabar Land Registration Act, 1895, as the occupant of land, the annual rent value of which is not less than Rs. 10; or

(*d*) is a landholder holding an estate the annual rent value of which is not less than Rs. 10; or

(*e*) holds as ryot or as tenant under a landholder land, the annual rent value of which is not less than Rs. 10; or

(*f*) was in the previous year assessed in a municipality included in the constituency to an aggregate amount of not less than Rs. 3 in respect of one or more of the following taxes, namely, property-tax, tax on companies, or profession-tax; or

(*g*) was assessed to the previous year to income-tax; or

(*h*) is retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

Muhammadan constituencies.

7. A person shall be qualified as an elector for a Muhammadan constituency, urban or rural, who is a Muhammadan and resided in the constituency for not less than 120 days in the previous year and has any of the qualifications prescribed in this Schedule for an elector of a Madras City, other urban, or rural constituency, as the case may be.

Indian Christian constituencies.

8. A person shall be qualified as an elector for an Indian Christian constituency who is an Indian Christian and resided in the constituency for not less than 120 days in the previous year and has any of the qualifications prescribed in this Schedule for an elector of any urban or rural constituency included in the area of such Indian Christian constituency.

European and Anglo-Indian constituencies.

9. A person shall be qualified as an elector for the European constituency who is a European, and for the Anglo-Indian constituency who is an Anglo-Indian, if such European or Anglo-Indian resided in the Madras Presidency for not less than 120 days in the previous year and has any of the qualifications prescribed in this Schedule for an elector of any urban or rural constituency.

Rental value.

10. For the purposes of this Schedule, the annual rent value of land shall be determined in accordance with the provisions of section 64 of the Madras Local Boards Act, 1884, with reference to the accounts of the *fasli* year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules, or, if the accounts for that year are not available, then with reference to the latest accounts that are available:

Provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of section 84 of the Madras Local Boards Act, 1884, the Registration Officer shall determine the value for the purpose of this Schedule upon the best information available.

Joint families.

11. If property is held or payments are made jointly by the members of a joint family or by joint pattadars the family or joint holding shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised by a majority of the family or of the joint holders, or, in the case of a Hindu joint family, either a member so authorised or the manager thereof.

Person not qualified in both personal and representative capacity. Fiduciary capacity not recognised.

12. A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or of joint pattadars, but not in both capacities.

13. Save as provided in paragraph 11 of this Schedule, no person shall be qualified as an elector in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

SPECIAL CONSTITUENCIES*

Landholders' Constituencies.

Landholders' constituencies.

14. A person shall be qualified as an elector for a Landholders' constituency who is a zamindar, janmi or inamdar; and resided in the constituency for not less than 120 days in the previous year and who—

(a) possesses an annual income, calculated as provided in paragraphs 15, 16 and 17 of this Schedule, of not less than Rs. 3,000 derived from an estate within the Presidency of Madras; or

(b) is registered as the janmi of land situated within the Presidency of Madras on which the assessment is not less than Rs. 1,500; or

(c) receives from Government a melvaram allowance the annual amount of which is not less than Rs. 3,000.

Annual income.

15. For the purposes of paragraph 14 of this Schedule, the annual income of a zamindar shall be taken to be the annual rent value upon which the land-cess is calculated under the Madras Local Boards Act, 1884, excluding the jodi, quit-rent, peshkash or similar charge payable by him to Government.

Method of calculating annual income and assessment.

16. In calculating annual income and assessment for the purposes of paragraph 14 of this Schedule—

(a) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a melvaram allowance;

(b) in no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account;

(c) assessments paid on more than one parcel of land may be reckoned together: provided that, in the case of land referred to in paragraphs 19 and 20 of this Schedule, the assessment paid thereon shall not be added to any assessment paid on other land unless the holder of the latter has been nominated or is entitled under those paragraphs to represent the joint holders or family in respect of the former land.

Basis of determination of annual rent value and assessment.

17. For the purposes of paragraph 14 of this Schedule, the annual rent value and assessment shall be determined with reference to the accounts of the *fasli* year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules or, if the accounts for that year are not available, with reference to the latest accounts that are available: provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of paragraph 16 of this Schedule, the Collector shall determine the value upon the best information available.

Entry of name in land register.

18. Save as expressly provided in this Schedule, no person claiming to be qualified as an elector for a Landholders' constituency on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility unless the land from which the income is derived stands registered in such register in his name.

Joint holders of land.

19. If several persons are registered as joint holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is not disqualified to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

Explanation.—Land registered under section 14 of the Malabar Land Registration Act, 1895, in the joint names of the registered proprietor and another person is not land registered in the names of joint holders within the meaning of this paragraph.

Where property is entered in name of a woman.

20. When the property of a tarwad or similar joint family under the Marumakkattayam law is registered in the name of a woman and would, but for the disqualification of sex, qualify the registered holder as an elector, the senior male member of the family who is not disqualified or any member not disqualified who is nominated in writing by a majority of the adult male members, shall be qualified as the representative of the family.

Fiduciary capacity not recognised.

21. Save as hereinbefore provided, no person shall be qualified as an elector unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

Election of registration in personal or representative capacity.

22. A person who is nominated or qualified, under paragraph 19 or paragraph 20 of this Schedule, to represent a group of joint owners or a joint family, and who is himself possessed of a separate property qualification as an elector, may elect whether to be entered in the electoral roll in his representative or separate capacity, but he shall be entered in one such capacity only.

Other Special Constituencies.

The University constituency.

23. A person shall be qualified as an elector for the Madras University constituency if he has a place of residence in India and is a member of the Senate, or an Honorary Fellow, or a graduate of over seven years' standing of the University of Madras.

The Planters' constituency.

24. A person shall be qualified as an elector for the Madras Planters' constituency if he is a member of one of the associations affiliated to the United Planters' Association of Southern India.

The Madras Chamber of Commerce and Industry constituency.

25. A person shall be qualified as an elector for the Madras Chamber of Commerce constituency if he is a member of the Madras Chamber of Commerce or of a Chamber affiliated to it.

Other Commerce constituencies.

26. Members of the Madras Trades Association, the Southern India Chamber of Commerce and the Nattukkottai Nagarathars' Association shall be qualified respectively as electors for the constituency comprising the Chamber or Association of which they are members.

SCHEDULE III.

(See Rule 17.)

Return of election expenses.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2 Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;

(*e*) the cost whether paid or incurred of—

(i) printing,
(ii) advertising,
(iii) stationery,
(iv) postage,
(v) telegrams, and
(vi) rooms hired either for public meetings or as committee rooms;

(*f*) any other miscellaneous expenses whether paid or incurred.

Note.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (e g, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 17 shall be as follows:—

Affidavit.

I being the appointed election agent for a candidate for election in the constituency (*or* I being a candidate for election in the constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of, 'a candidature. / my candidature.

(Sd.)

Election agent or candidate.

Solemnly affirmed before me

(*Magistrate*).

SCHEDULE IV.

(See Rules 6, 7, 28, 31, 42 and 46.)

The following shall be deemed to be corrupt practices for the purposes of these rules :—

PART I.

Bribery.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(*b*) an elector to vote or refrain from voting at an election,

or as a reward to—

(*a*) a person for having so stood or not stood or for having withdrawn his candidature, or

(*b*) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

Undue influence.

2. (1) Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of a candidate or his agent, by any of the means hereafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector.

(2) The means above alluded to are—

(*a*) any violence, injury, restraint, or fraud and any threat thereof;

(*b*) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure;

but do not include any declaration of public policy or promise of public action.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Publication of false statements.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Authorisation of expenditure.

5. The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Governor-General in Council issued under rule 18 of these rules.

PART II.

Acts under Part I.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Bribery.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(*a*) by a person to stand or not to stand as, or to withdraw from being, a candidate, or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

Payment for conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use of public conveyances.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

Incurring expense without authority.

6. The incurring or authorization of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate

Hiring of liquor shops.

7. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

8 The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof. Issue of circulars, etc., without printer's and publisher's name printed thereon.

LEGISLATIVE DEPARTMENT

Simla, the 27th July 1920.

No. 82.—In pursuance of sub-rule (2) of rule 25 of the Legislative Assembly Electoral Rules, the Governor General is pleased to call upon the constituencies of the Legislative Assembly specified in the first column of the appended schedule to elect members in accordance with the said rules before such dates respectively as are specified in the corresponding entry in the second column thereof :—

SCHEDULE.

Column I	Column II.
All constituencies of the Provinces of Madras, Bombay, the United Provinces, Bihar and Orissa, the Central Provinces, Burma and Delhi.	The 15th day of December 1920.
All constituencies of the Provinces of the Punjab and Assam	The 23rd day of December 1920.
All constituencies of the Province of Bengal	The 31st day of December 1920.

No. 83.—In pursuance of sub-rule (2) of rule 25 of the Council of State Electoral Rules, the Governor General is pleased to call upon the constituencies of the Council of State specified in the first column of the appended schedule to elect members in accordance with the said rules before such dates respectively as are specified in the corresponding entry in the second column thereof :—

SCHEDULE.

Column I.	Column II.
All constituencies of the Provinces of Madras, Bombay, the United Provinces, Bihar and Orissa, the Central Provinces and Burma.	The 15th day of December 1920.
All constituencies of the Provinces of the Punjab and Assam.	The 23rd day of December 1920.
All constituencies of the Province of Bengal	The 31st day of December 1920.

(By order of His Excellency the Governor in Council.)

A. R. KNAPP,
Secretary to Government of (Reforms).

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